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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,039	08/23/2001	Karl W. Terry	7124.015	1958

30589 7590 07/08/2005

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EXAMINER

ZIMMER, MARC S

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	09/938,039	TERRY ET AL.	
	Examiner	Art Unit	
	Marc S. Zimmer	1712	

All Participants:

(1) Marc S. Zimmer.

(2) Douglas Sorocco.

Status of Application: non-finally rejected

(3) _____

(4) _____

Date of Interview: 17 May 2005

Time: _____

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

Claims discussed:

Prior art documents discussed:

Terry et al., U.S. Patent # 6,342,097

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

Marc Zimmer
(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant was advised that the Examiner had mistakenly failed to indicate that the present claims were unpatentable over those of U.S. patent # 6,342,097, which evolved from parent application serial no. 09/553,583. (The only differences being that the parent claims mention colloidal silica and the present claims provide a structural definition for the disilane.) However, the present composition claims are broader in the sense that they embrace other materials in view of their use of the transitional phrase comprising and so would include that embodiment in which colloidal silica was added. The patent claims do not disclose the structural attributes associated with the disilane that are outlined in the present claims. However, MPEP 804 states that those portions of the specification which provide support for the patent claims may also be examined and considered when addressing the issue of whether a claim in the application defines an obvious variation of an invention claimed in the patent. In re Vogel, 422 F.2d 438, 441-42, 164 USPQ 619, 622 (CCPA 1970) These same structural attributes are described when disclosing the disilane in the Specification of 09/553,583. The Examiner requested that Applicant file a terminal disclaimer as a means of preventing the need for a double patenting rejection and thereby expediting prosecution...